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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,735	02/06/2001	Edward E. Williams	GOEA 1803001	8711
32233	7590	06/15/2005		
STORM L.L.P. BANK OF AMERICA PLAZA 901 MAIN STREET, SUITE 7100 DALLAS, TX 75202			EXAMINER FLORES SANCHEZ, OMAR	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,735

Applicant(s)

WILLIAMS, EDWARD E.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,12,14-16 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12,14-16 and 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on 03/03/05.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is "the second material are sharpened before inserting them into each channel". In the specification, page 4, lines 22-24, applicant said that "after the cutting blade is secured into the cutting blade holder, the cutter may be sharpened", which is evidence that the above subject matter was not described.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-2, 6-10, 14-16, 41-43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weddell (1762111) in view of Altenburg (4251198) and Van Osenbruggen (5947805).

Weddell discloses the method for manufacturing a rotatable cutting blade substantially as claimed including: selecting a substantially circular cutting blade holder 10 made of a first material having two spaced apart faces (spaced by the width of the blade holder), having a plurality of cutting blade channels 12 forming an angle with respect to a plane defined by the faces, inserting a piece of a second material 11, the piece of second material having sufficient height to extend at least one edge of the cutting blade beyond the plane defined by at least one face one face (Fig. 10), the second material is sharpened before inserting them into each channel (Fig. 2) and the first material made of carbon steel(col. 1, line 24). Weddell does not show forming a cutting plane parallel to the plane defined by at least one face of the cutting blade holder, bonding each said piece of second material, sharpening said pieces and at least a portion of at least one edge of the cutting blade is sharpened such that the sharpened edge is parallel to the plane defined by the face. However, Altenburg teaches the use of at least one edge 30 of the cutting blade that is sharpened such that the sharpened edge is parallel to the plane defined by the face (Fig. 3) for the purpose of defining an effective cutting edge for cutting extruded material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Weddell's device by providing the step of the cutting blade that is sharpened such that the sharpened edge is parallel to the plane defined by the face as taught by Altenburg in order to obtain a device that defines an effective cutting edge for cutting extruded material.

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Regarding the step of bonding each said piece of second material to said cutting blade holder, sharpening said pieces and brazing with a solder along substantially the entire length of said cutter blade channel, Van Osenbruggen teaches the step of bonding each said piece of second material to said cutting blade holder (col. 9, line 53-54), sharpening said pieces (col. 5, lines 3-6 and col. 9, lines 40-42) and brazing with a solder along substantially the entire length of said cutter blade channel (col. 9, line 38-39) for the purpose of attaching the cutter to the holder and making the device practical for commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Weddell's device by providing the step of bonding each piece of second material to the cutting blade holder, sharpening the pieces and brazing with a solder along substantially the entire length of the cutter blade channel as taught by Van Osenbruggen in order to obtain an easy attachment of the cutter to the blade holder and make the device practical for commerce.

6. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Osenbruggen as applied to claims 1 and 9 above, and further in view of Kubis.

The modified device of Weddell discloses the method for manufacturing a rotatable cutting blade substantially as claimed except for molding process. However, Kubis teaches the use of a molding process (see col. 4, line 11-13 and 15-17) for the purpose of obtaining a high level of dimensional accuracy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Weddell's device by providing the molding process as taught by Kubis in order to obtain a high level of dimensional accuracy for the blade holder.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that there are only two situations where the blades can be sharpened: before securing and after securing. However, the specification provides evidence that only one situation is performed, where the blades is sharpened after securing.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DiLullo et al., Pearson and Geiser et al. are cited to show related device.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 8, 2005



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